

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

WEeping Hollow Avenue Trust,  
Plaintiff(s),  
v.  
ASHLEY B. SPENCER, an individual;  
WELLS FARGO BANK, NA,  
Defendant(s).

Case No. 2:13-CV-544 JCM (VCF)

ORDER

Presently before the court is the Ninth Circuit's order (ECF Nos. 44, 45) in case no. 2:13-cv-00544-JCM-VCF, which reversed and remanded the decision of this court (ECF No. 26) with instructions to remand this case to state court. *Weeping Hollow Ave. Trust v. Spencer*, No. 13-16060, --- F.3d ----, 2016 WL 4088749, at \*5 (9th Cir. Aug. 2, 2016).

In its August 2, 2016, opinion, the Ninth Circuit held that Wells Fargo Bank, N.A. had failed to surmount its burden to show that Weeping Hollow Avenue Trust improperly stated a cause of action against Ashley Spencer; therefore, the fraudulent-joinder doctrine's jurisdictional impact is inapplicable to this case. *Id.* As a result, diversity jurisdiction is not present in this case. *Id.*

Pursuant to the Ninth Circuit's opinion, this court remands this case to the Nevada district court for lack of federal jurisdiction.

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that case no. 2:13-cv-00544-JCM-VCF, *Weeping Hollow Avenue Trust v. Spencer et al.*, be, and the same hereby is,

1 REMANDED to state court, consistent with the Ninth Circuit's opinion in this case (ECF No. 44).

2 DATED September 21, 2016.

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4 UNITED STATES DISTRICT JUDGE